

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APPA) NO.96/2021

IN

CRIMINAL APPEAL NO./2021

Vrushali Krushi Kendra

..vs..

Gopal Alias Shrikant s/o Gyandev Sapkal

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri N.R.Tekade, Counsel for the Applicant.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 09, 2021.

1. This is an application for condonation of delay in preferring an appeal.
2. Heard learned counsel Shri N.R.Tekade for the applicant.
3. Notice was issued on this application by this Court (Coram : N.B.Suryawanshi, J.) on 5.3.2021.
4. Office note shows that the non-applicant is duly served. In spite of the service, nobody is appearing on behalf of the non-applicant.
5. The applicant is original complainant. She filed a complaint which was registered as Summary Criminal Case No.561/2017 under provisions of the Negotiable Instruments Act. Learned Judicial Magistrate First Class, Telhara on 30.12.2019 dismissed the said complaint by giving reason that no step was taken by the

applicant/complainant to secure presence of the accused.

6. I have gone through contents of the present application which are on affidavit. Statement of facts made remained to be uncontroverted in view of fact that nobody is appearing on behalf of the non-applicant.

7. After having gone through contents of the application and after having heard learned counsel for the applicant/complainant, I am of view that the applicant/complainant has made out a case for condonation of delay.

8. Hence, the application is allowed. The delay stands condoned. Office is directed to register the appeal.

With this, the criminal application is disposed of accordingly.

JUDGE

!! BRW !!
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RANA
WANKHEDE

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